

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of Luc Desnoyers et al. Serial No.: Not Yet Assigned Filed: Herewith For: SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME	Group Art Unit: Not Yet Assigned Examiner: Not Yet Assigned Express Mail Label No.: EL 889 330 855 US December <u>26</u> , 2001
---	--

PRELIMINARY AMENDMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

Prior to substantive examination of the above captioned patent application (which is filed herewith), and for calculation of the proper filing fee, Applicants respectfully request that the following amendments be entered.

In the Specification:

Please insert the following new paragraph at page 1, line 2:

--RELATED APPLICATIONS

This is a continuation application claiming priority under 35 USC §120 to US serial number 09/931836 filed 8/16/01 which claims priority under 35 USC §120 to U.S. serial numbers: 09/311832 Filed 5/14/99; 09/380142 Filed 8/25/99, now abandoned; 09/644848 Filed 8/22/00; 09/747259 Filed 12/20/00; 09/816744 Filed 3/22/01; 09/854208 Filed 5/10/01; 09/854280 Filed 5/10/01; 09/874503 Filed 6/5/01; 09/869599 Filed 6/29/01; 09/908,827 Filed 7/18/2001; and which claims priority under 35 U.S.C. §120 to PCT international application numbers: PCT/US99/10733 Filed 5/14/99; PCT/US99/28551 Filed 12/2/99; PCT/US99/30720 Filed 12/22/99; PCT/US00/05601 Filed 3/1/00; PCT/US00/05841 Filed 3/2/00; PCT/US00/14042 Filed 5/22/00; PCT/US00/15264 Filed 6/2/00; PCT/US00/23522 Filed 8/23/00; PCT/US00/23328 Filed 8/24/00; PCT/US00/32678

Filed 12/1/00; PCT/US00/34956 Filed 12/20/00; PCT/US01/06520 Filed 2/28/01; PCT/US01/17800 Filed 6/1/01; PCT/US01/19692 Filed 6/20/01; PCT/US01/21066 Filed 6/29/01; PCT/US01/21735 Filed 7/9/01; and which claims priority under 35 USC § 119 to US provisional application numbers: 60/085579 Filed 5/15/98; 60/112514 Filed 12/15/98; 60/113300 Filed 12/22/98; 60/113430 Filed 12/23/98; 60/113605 Filed 12/23/98; 60/113621 Filed 12/23/98; 60/114140 Filed 12/23/98; 60/115552 Filed 1/12/99; 60/116843 Filed 1/22/99; 60/125774 Filed 3/23/99; 60/125778 Filed 3/23/99; 60/125826 Filed 3/24/99; 60/127035 Filed 3/31/99; 60/127706 Filed 4/5/99; 60/129122 Filed 4/13/99; 60/130359 Filed 4/21/99; 60/131270 Filed 4/27/99; 60/131272 Filed 4/27/99; 60/131291 Filed 4/27/99; 60/132371 Filed 5/4/99; 60/132379 Filed 5/4/99; 60/132383 Filed 5/4/99; 60/135750 Filed 5/25/99; 60/138166 Filed 6/8/99; 60/144791 Filed 7/20/99; 60/146970 Filed 8/3/99; 60/162506 Filed 10/29/99; the entire disclosures of which are hereby incorporated by reference.--

In the Claims:

Please cancel Claims 1-21 without prejudice or disclaimer.

Please add new Claims 22-41 as follows.

--22. (New) An isolated nucleic acid having at least 80% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203966.

23. (New) The isolated nucleic acid of Claim 22 having at least 85% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203966.

24. (New) The isolated nucleic acid of Claim 22 having at least 90% nucleic acid sequence identity to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45);

- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203966.

25. (New) The isolated nucleic acid of Claim 22 having at least 95% nucleic acid sequence identity to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45);
- (b) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;
- (c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45);
- (d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;
- (e) the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44);
- (f) the full-length coding sequence of the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44); or
- (g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203966.

26. (New) The isolated nucleic acid of Claim 22 having at least 99% nucleic acid sequence identity to:

- (a) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203966.

27. (New) An isolated nucleic acid comprising:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203966.

28. (New) The isolated nucleic acid of Claim 27 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45).

29. (New) The isolated nucleic acid of Claim 27 comprising a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide.

30. (New) The isolated nucleic acid of Claim 27 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45).

31. (New) The isolated nucleic acid of Claim 27 comprising a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide.

32. (New) The isolated nucleic acid of Claim 27 comprising the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44).

33. (New) The isolated nucleic acid of Claim 27 comprising the full-length coding sequence of the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44).

34. (New) The isolated nucleic acid of Claim 27 comprising the full-length coding sequence of the cDNA deposited under ATCC accession number 203966.

35. (New) An isolated nucleic acid that hybridizes to:

(a) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45);

(b) a nucleic acid sequence encoding the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;

(c) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45);

(d) a nucleic acid sequence encoding the extracellular domain of the polypeptide shown in Figure 20 (SEQ ID NO:45), lacking its associated signal peptide;

(e) the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44);

(f) the full-length coding sequence of the nucleic acid sequence shown in Figure 19 (SEQ ID NO:44); or

(g) the full-length coding sequence of the cDNA deposited under ATCC accession number 203966.

36. (New) The isolated nucleic acid of Claim 35, wherein said hybridization occurs under stringent conditions.

37. (New) The isolated nucleic acid of Claim 35 which is at least 10 nucleotides in length.

38. (New) A vector comprising the nucleic acid of Claim 22.

39. (New) The vector of Claim 38, wherein said nucleic acid is operably linked to control sequences recognized by a host cell transformed with the vector.

40. (New) A host cell comprising the vector of Claim 38.

41. (New) The host cell of Claim 40, wherein said cell is a CHO cell, an *E. coli* or a yeast cell.--

REMARKS

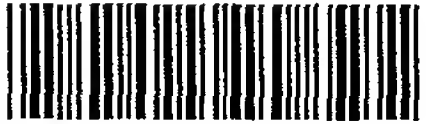
Claims 1-21 have been cancelled. New Claims 22-41 have been added. Applicants respectfully request early entry of these new claims for prosecution in this application. The Examiner is invited to contact the undersigned at (650)225-4563 if any issues may be resolved in that manner.

Attached hereto is a marked-up version of the changes made to the and by the current amendment. The attached page is captioned "Version with markings to show changes made."

Respectfully submitted,
GENENTECH, INC.

Date: December 26, 2001

By: Elizabeth M. Barnes
Elizabeth M. Barnes
Reg. No. 35,059
Telephone: (650) 225-4563



09157

PATENT TRADEMARK OFFICE

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the specification:

A new paragraph beginning at page 1, line 2 has been added.

In the claims:

Claims 1-21 have been cancelled.

Claims 22-41 have been added.